

USDC/MA

08-40106

Saylor, J

MANDATE

United States Court of Appeals For the First Circuit

No. 08-1791

BOSTON HILL REALTY TRUST, ET AL.,

Plaintiffs, Appellants,

v.

GEMSTONE INVESTMENT COMPANY, INC.,

Defendant, Appellee,

DAVID G. MASSAD, ET AL.,

Defendants.

JUDGMENT

Entered: October 20, 2008

Pursuant to 1st Cir. R. 27.0(d)

By order entered September 24, 2008, appellant was directed to show cause in writing as to why this appeal should not be dismissed as moot. Appellant was warned that failure to respond by October 7, 2008 would lead to dismissal for lack of diligent prosecution.

Appellant having failed to file a timely response, it is hereby ordered that the above-captioned appeal be dismissed for lack of prosecution in accordance with Local Rule 3.0(b).

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

By the Court:

Richard Cushing Donovan, Clerk

RC
Deputy Clerk

/s/ Richard Cushing Donovan, Clerk

Date: 11/19/08

cc:

Turnroe, Eric J.
Rien, David A.